

BOOK REVIEW

HEYDON: SELECTED SPEECHES AND PAPERS

BY THE HON JD HEYDON AC, QC

(Edited by John Sackar and Thomas Prince with foreword by Hon Ian Callinan, The Federation Press 2018)

ASSOCIATE PROFESSOR LOUISE FLOYD

In 2015, retired Justice of the High Court of Australia, Hon Dyson Heydon AC QC became a household name for leading the Royal Commission into Trade Union Governance and Corruption. The Final Report of that Commission shapes Australian law today, as the *Fair Work Act* 2009 and the Registered Organisations Commission underscore the importance of accountability of trade union leaders to their worker-members.

But Justice Heydon's works are so much more broad-ranging than that...

Thankfully, *Heydon: Selected Speeches and Papers* (edited by John Sackar and Thomas Prince) recognises that. The book is an edited work of Justice Heydon's many articles, papers and speeches. In a short and insightful foreword written by Hon Ian Callinan AC QC (also a retired Justice of the High Court of Australia), the significance of Justice Heydon — the man and his work — are elegantly summarised:

In all of the papers, (Justice Heydon) combines the arts of the essayist, historian, orator, obituarist, reviewer, critic, teacher and advocate...

Any reader of the papers will be struck by the depth and width of (Justice Heydon's) scholarship. There is not one of the papers that is not rich in unaffected literary historical and legal illusion. They are a mine of interesting facts and intelligent fresh insights.

The topics of the pieces contained in this book are broad-ranging and graciously discussed.

'Address at the Fifteen Bobber of the Hon Justice WMC Gummow' discusses the background and appointment of Justice Gummow to the High Court of Australia. It traces his humble beginnings as one who had played piano in his early days to supplement his family's income and Justice Heydon shows characteristic generosity in his praise for his brother High Court Judge, recalling the sense of satisfaction at his appointment.

'What did we mean by the rule of law?' delves into how the rule of law 'is antithetical to the whims and desperate statecrafts of tyrants.' (page 424) Throughout the course of the discussion, Justice Heydon contemplates the relationship between the rule of law and democracy, along with the works of some of the giants of legal scholarship — Coke and Dicey. Often today, this present reviewer hears people speak of 'the rule of law', but as I write this review, I wonder how many of them actually know what it means and the rich history behind it?

Other riveting essays in the book include: 'Japanese War Crimes, Retroactive Laws and Mr Justice Pal' as well as: 'Are Bills of Rights Necessary in Common Law Systems?' and one of my favourites: 'Four Great Australian Legal Disasters.'

In that particular essay, Justice Heydon so refreshingly reflects on the early days of the legal profession (658):

The goal of the profession...was to solve other people's problems, problems they could not solve for themselves. The goal was not to get rich. The level of fees depended on the experience and skill of the lawyer. Like general practitioners in country towns before Medicare, lawyers attended to the needs of the poor without charge, or at a reduced charge. In some ways the practice of law is ceasing to be a profession...Instead it is becoming a trade or business.

Sadly, we live in an era where some law students and academics speak of the 'legal industry' (instead of legal profession). As bad or worse, some lawyers may well go through their careers oblivious to the traditions of the legal profession and the fact that we stand on the shoulders of giants. In a most refreshing change, Justice Heydon, with insight and humility, reminds us that we are part of a proud heritage; we are not people who should pursue the endless quest for self-aggrandisement. There are traditions and values which form a basic plank of our society — to some extent we are their trustees.

If I had my way, every law student, practitioner and critic would read this book. It is such a refreshing change to see someone with beguiling insight make us stop and think about the values which are so much greater than any one career.